

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NE/CORNER Church Lane & Milford Mill Road (Reserved Parcel, The Cedars) 2nd Election District 2nd Councilmanic District Lakes Property Development Corp. Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 92-364-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing wherein the Petitioner requests approval that an existing directional sign and locational sign, located in a D.R. 16 zone for the past 15 to 20 years, is a directional or informational sign that is public or quasi-public in nature, pursuant to Section 413.1(e) of the Baltimore County Zoning Regulations (B.C.Z.R.); and a Petition for Zoning Variance seeking relief from Section 413.1(e)(1) and (3) of the B.C.Z.R. to permit an existing directional and informational sign of 144.48 sq.ft. in lieu of the allowed 15 and 25 sq.ft. sign, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Michael L. Freilich, Esquire, appeared and testified. Also appearing on behalf of the Petition were William Webb, from Cedar Towers Associates, Contract Lessee; Debra Smith, Property Manager for "the Cedars"; Michael K. Smith, Registered Property Line Surveyor; and Meir Frank, a resident of the area. There were no Protestants.

Testimony indicated that the subject property, located at the northeast corner of Church Lane and Milford Mill Road, consists of 1.591 acres, more or less, and is zoned D.R. 16. Said property is known as the Reserved Parcel for The Cedars, a luxury highrise and garden apartment complex located to the north and west of the subject site. Testimony

indicated that the subject sign was placed at this location approximately 20 years ago to assist visitors travelling to the area in locating The Cedars housing. Petitioner testified they filed the instant Petition upon receipt of a recent zoning violation notice from the Zoning Administration and Development Management Office as to the size and location of the sign.

Debra Smith testified that she has been Property Manager at The Cedars for the past 7 years. Ms. Smith stated that the subject sign has existed at this location for the last 15 or 20 years and that the sign is necessary to identify the location of The Cedars and direct visitors to the site.

Meir Frank testified that he has been a resident of the area for the past 9 years. Mr. Frank testified that he is not opposed to the subject sign or its location and believes the relief requested should be granted. Mr. Frank further testified that there is no street sign to identify Church Lane at this intersection and that the subject sign acts as a landmark for people who visit this area.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance requested should be granted.

THEREFORE IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1992 that the Petition for Special Hearing to approve that an existing directional and locational sign on the subject property, zoned D.R. 16, is a directional or informational sign that is public or quasi-public in nature, pursuant to Section 413.1 (e) of the B.C.Z.R., be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance seeking relief from Section 413.1(e)(1) and (3) of the B.C.Z.R. to permit the existing directional and informational sign of 144.48 sq.ft. in area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is limited to the existing sign as shown on Petitioner's Exhibit 1. In the event it becomes necessary to modify or replace the existing sign, such modification or replacement shall be in strict compliance with the B.C.Z.R. or the Petitioner shall be required to file a new Petition to determine the appropriateness of such modification or replacement.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/13/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/13/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/13/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/13/92
By [Signature]

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-4386

May 12, 1992

Michael L. Freilich, Esquire
408 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NE/CORNER Church Lane and Milford Mill Road (Reserved Parcel, The Cedars) 2nd Election District - 2nd Councilmanic District Lakes Property Development Corporation - Petitioner Case No. 92-364-SPHA

Dear Mr. Freilich:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Debra Smith
9815 Branchleigh Road, Randallstown, Md. 21133

Mr. William Webb
205 Kings Highway, Milford, De. 19963

People's Counsel

file

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-364-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

and confirm that the existing directional sign and locational sign located in D.R. 16 for the last past 15 to 20 years under 413.1(e) is a directional or informational sign that is public or quasi-public in nature.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contractor/Architect/Lessee:

Cedar Towers Associates (Type or Print Name)

Lakes Property Dev. Corporation (Type or Print Name)

Signature [Signature] Signature [Signature]

WNY Management Corporation (Type or Print Name)

P.O. Box 655 (Type or Print Name)

Englishtown, N.J. 07726 (City and State)

Signature [Signature]

Attorney for Petitioner:

Michael L. Freilich (Type or Print Name)

Signature [Signature]

408 Bosley Avenue (Address)

Towson, Maryland 21204 (City and State)

Attorney's Telephone No. (301) 321-0040 (Address)

ORDER RECEIVED FOR FILING

Date 5/13/92
By [Signature]



ESTIMATED LENGTH OF HEARING 1/2HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER 3-20-92



Petition for Variance

to the Zoning Commissioner of Baltimore County 92-364-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1(a)(1) & (3) to allow or permit a directional sign and informational sign provided for locating of communities to exceed the permitted 15 and 25 square foot and to be used square feet as shown on the attached drawing of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contractor/Architect/Lessee:

Cedar Towers Associates (Type or Print Name)

Lakes Property Dev. Corporation (Type or Print Name)

Signature [Signature] Signature [Signature]

WNY Management Corporation (Type or Print Name)

P.O. Box 655 (Type or Print Name)

Englishtown, N.J. 07726 (City and State)

Signature [Signature]

Attorney for Petitioner:

Michael L. Freilich (Type or Print Name)

Signature [Signature]

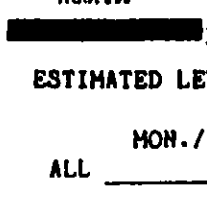
408 Bosley Avenue (Address)

Towson, Maryland 21204 (City and State)

Attorney's Telephone No. (301) 321-0040 (Address)

ORDER RECEIVED FOR FILING

Date 5/13/92
By [Signature]



ESTIMATED LENGTH OF HEARING 1/2HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER 3-20-92

Walter T. Parr

Michael K. Smith, P.L.S.

BPS/land technology, Inc.
Engineers & Surveyors

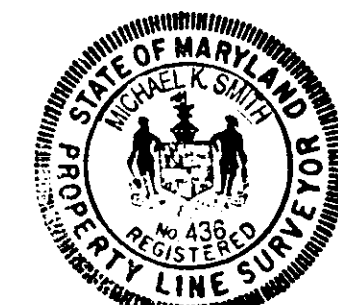
P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

ZONING DESCRIPTION

Beginning at the point of intersection of the north side of Milford Mill Road which is 60 feet wide and the east side of Church Lane which is 60 feet wide. Thence the following courses and distances:

With a curve to the right a distance of 232.76 ft., a radius of 630.00 ft. and a chord of N.74° 09' 32" E. 231.44 ft., W.44° 02' 00" E. 103.92 ft., N.45° 45' 40" W. 2.14 ft., N.16° 38' 50" E. 53.91 ft., N.21° 00' 50" E. 80.14 ft., N.33° 37' 10" E. 80.14 ft., N.46° 13' 30" E. 80.14 ft., N.66° 27' 10" E. 62.33 ft., N.52° 31' 40" E. 78.00 ft., S.59° 40' 20" W. 200.31 ft., S.38° 05' 41" W. 205.85 ft., N.78° 35' 36" W. 116.30 ft., N.61° 39' 10" W. 290.66 ft., S.49° 47' 20" E. 180.80 ft., S.40° 12' 40" W. 180.25 ft., with a curve to the right a distance 120.46 ft., a radius of 530.00 ft. and a chord of S.36° 45' 33" E. 120.28 ft., S.68° 58' 05" E. 19.18 ft. to the point of beginning as recorded in Deed Liber S.M. No.8341, folio 001.

Being designated as "Reserved Parcel" in the subdivision of "The Cedars" as recorded in Baltimore County Plat Book E.H.K. Jr. No.43, folio 1, containing 1.591 acres of land more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: April 7, 1992
Posted for: Special Hearing and Variance
Petitioner: Lakes Property Development Corporation
Location of property: NEC Church Lane and Milford Mill Road
Between Lakes Property Development Corporation
Location of Sign: at intersection of Chesapeake Avenue and Church Lane
Remarks:
Posted by: Lawrence E. Schmidt Date of return: April 14, 1992
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4-2, 1992
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-2, 1992

THE JEFFERSONIAN,

Publisher

\$ 52.19

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

#379

Date: 3-20-92

Account: R-001-6150
Number

Michael L. Freilich Esq.
Commercial Variance Filing Fee \$ 175.⁰⁰
Special Hearing Filing Fee \$ 175.⁰⁰
\$ 350.⁰⁰
Sto: NEC Milford Mill Rd
& Church Lane.

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY
\$350.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

92-364

Please Make Checks Payable To: Baltimore County \$350.00
SA 0010-15AM05-05 92

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 4/7/92

Lakes Property Development Corporation
8204 Anita Road
Baltimore, Maryland 21208

RE:
CASE NUMBER: 92-364-SPHA
NEC Church Lane and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Lakes Property Development Corporation
Lessee: Cedar Towers Associates

Dear Petitioner(s):

Please be advised that \$ 122.19 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jablon

ARNOLD JABLON
DIRECTOR

cc: Michael L. Freilich, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-364-SPHA
NEC Church Lane and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Lakes Property Development Corporation
Lessee: Cedar Towers Associates
HEARING: THURSDAY, APRIL 30, 1992 at 9:00 a.m.

Special Hearing to approve and confirm that the existing directional sign and locational sign located in D.R. 16 for the last part 15 to 20 years is a directional or informational sign that is public or quasi-public in nature. Variance to allow or permit a directional sign and informational sign provided for locating of communities to exceed the permitted 15 and 20 square foot and to be 144.48 square feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Lakes Property Development Corporation
Cedar Towers Associates
Michael L. Freilich, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 8, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-364-SPHA
LEGAL OWNER: LAKES PROPERTY DEVELOPMENT CORPORATION
LOCATION: NEC CHURCH LANE AND MILFORD MILL ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

MONDAY, MAY 11, 1992 at 11:30 a.m.

IN THE BALTIMORE COUNTY COUNTY COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: *LAKES PROPERTY DEVELOPMENT CORPORATION
CEDAR TOWERS ASSOCIATES
MICHAEL L. FREILICH, ESQ.

*ENCLOSED, PLEASE FIND A DATE STICKER TO BE PLACED ON THE ZONING SIGN.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 27, 1992

Michael L. Freilich, Esquire
408 Bosley Avenue
Towson, MD 21204

RE: Item No. 379, Case No. 92-364-SPHA
Petitioner: Lakes Property Dev
Petition for Special Hearing and
Variance

Dear Mr. Freilich:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing
this 27th day of April, 1992.

Carl J. Jablon
ARNOLD JABLON
DIRECTOR

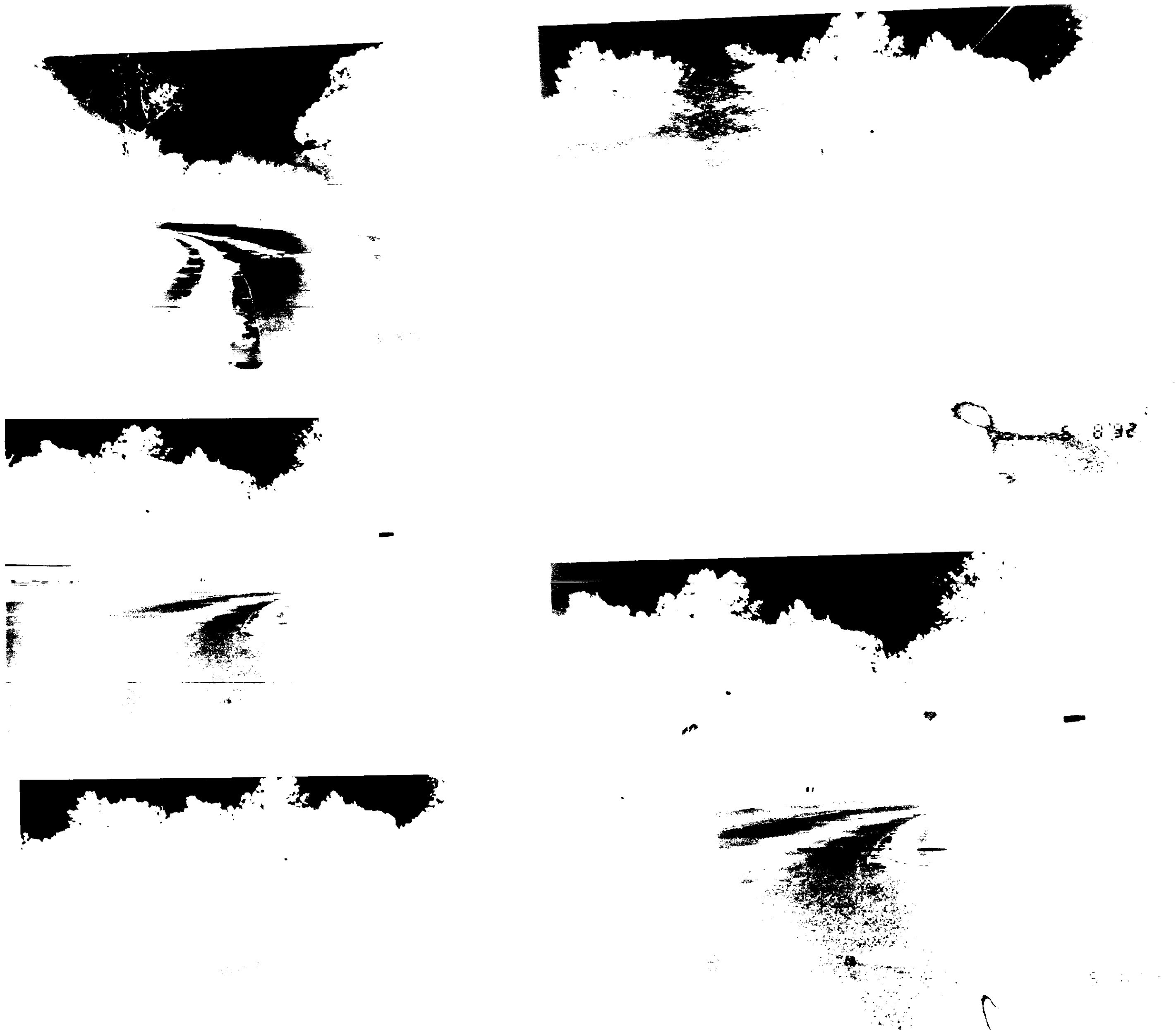
Received By:

Michael L. Freilich
CHAIRMAN
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Lakes Property Dev. Corp.

Petitioner's Attorney: Michael L. Freilich

ADDRESS
3836 Thru 4th St 21207
9815 Branchburg Rd 21133
205 Kings Hwy Durham NC 27701



MAY-11-92 MON 10:38 D O FELDMANN INC 3014069298 P.02

R
REALTOR®

DAVID O. FELDMANN, INC.

107 SUDBROOK LANE · PIKESVILLE, MD 21208-4129
PHONE: (410) 653-9440 FAX: (410) 486-9298

April 19, 1991

*Property Management Specialists
Residential - Commercial
Sales - Leases
Consultants*

Mr. George W. Nirenberg
WNY MANAGEMENT CORP.
P.O. Box 855
Englishtown, NJ 07726-0655

Re: Cedars Towers Sign at Intersection of Milford Mill and Church Roads

Dear George,

The Board of Directors of the Cedars Homeowners Association would like you to know that they are in favor of having the sign. If they can be of any help (signing a petition), let me know.

Kindly remind your lawn service to cut the grass between the tennis courts and the Cedars Homeowners Association.

Yours truly,

DAVID O. FELDMANN, INC.
Managing Agents for
Cedars Homeowners Association

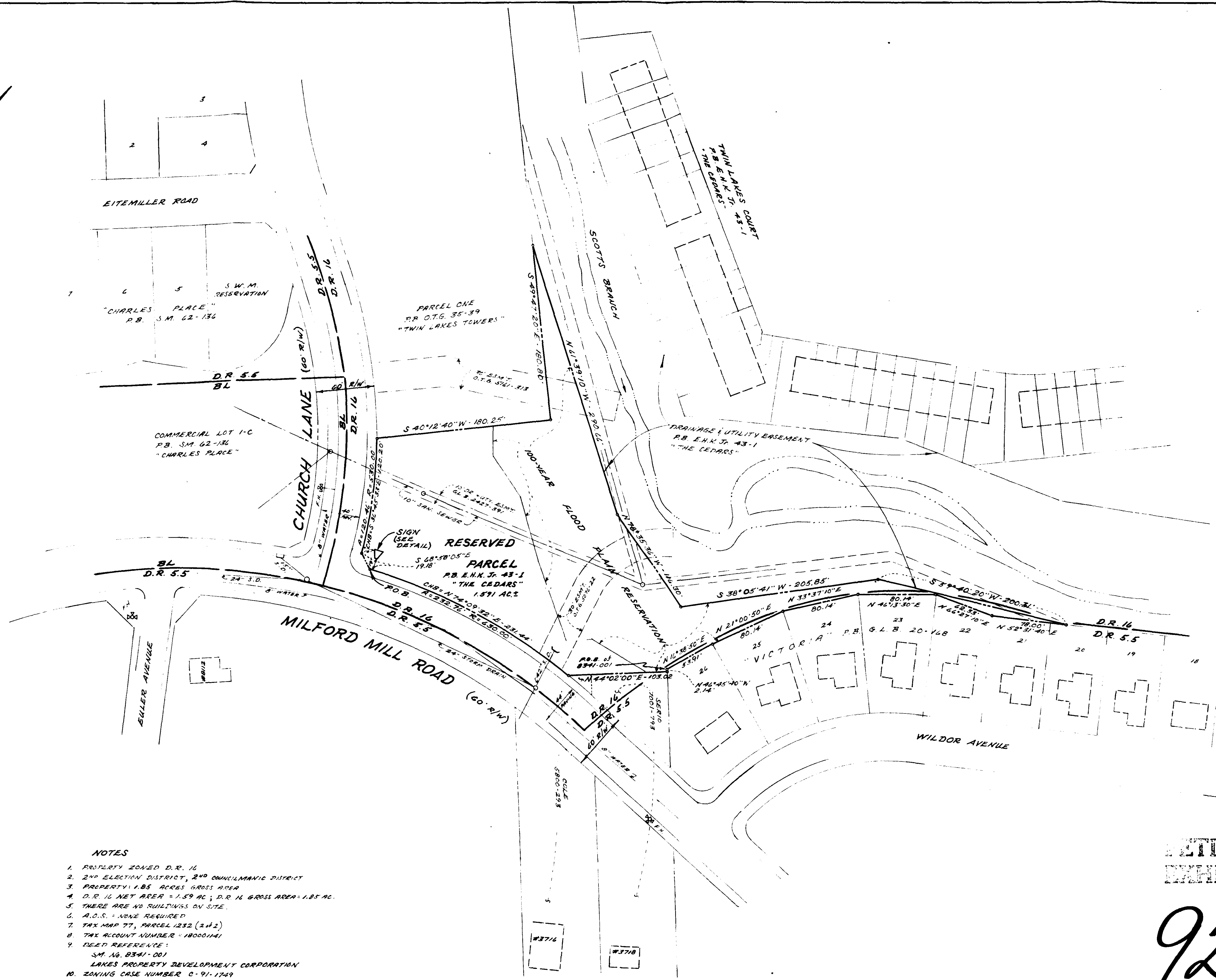
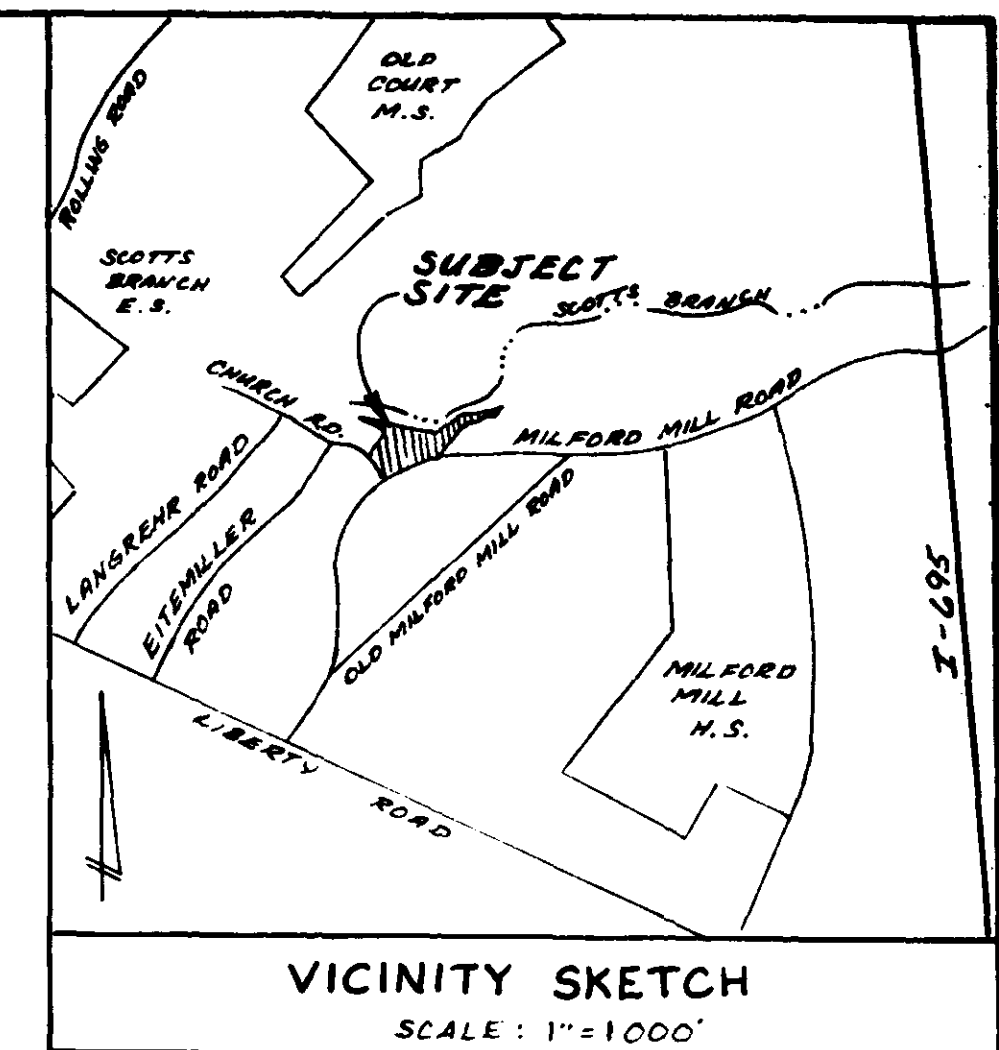
Bernie Chodosh
Property Manager

BC/vs

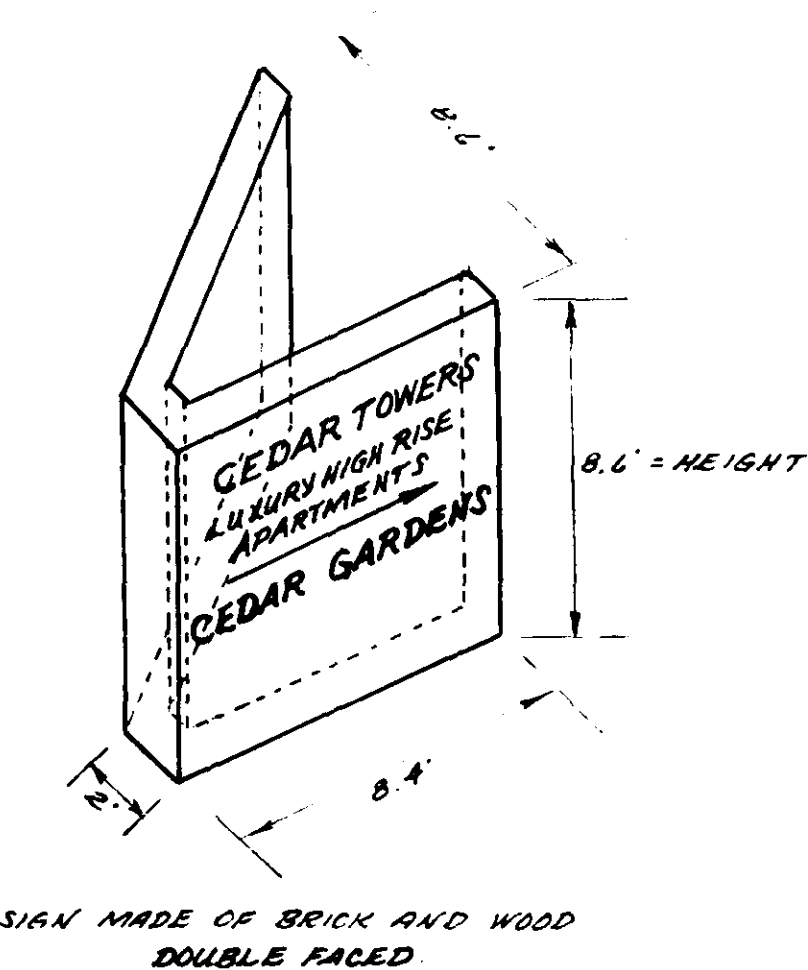
cc: Carolyn Marshall, President, Cedars HOA

PETITIONER'S
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SIGN DETAIL
SCALE: 1"=5'



- NOTES
1. PROPERTY ZONED D.R. 16
 2. 2ND ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
 3. PROPERTY 1.85 ACRES GROSS AREA
 4. D.R. 16 NET AREA = 1.59 AC; D.R. 16 GROSS AREA = 1.85 AC.
 5. THERE ARE NO BUILDINGS ON SITE.
 6. A.C.S. - NONE REQUIRED
 7. TAX MAP 77, PARCEL 1232 (2+2)
 8. TAX ACCOUNT NUMBER - 18000141
 9. DEED REFERENCE:
SM. 16. 8341-001
LANES PROPERTY DEVELOPMENT CORPORATION
 10. ZONING CASE NUMBER C-91-1749
 11. ZONING MAP NUMBER NW C.G.
 12. ALL STRUCTURES AND USES WITHIN 200' ARE SHOWN

PLAT TO ACCOMPANY
A ZONING PETITION

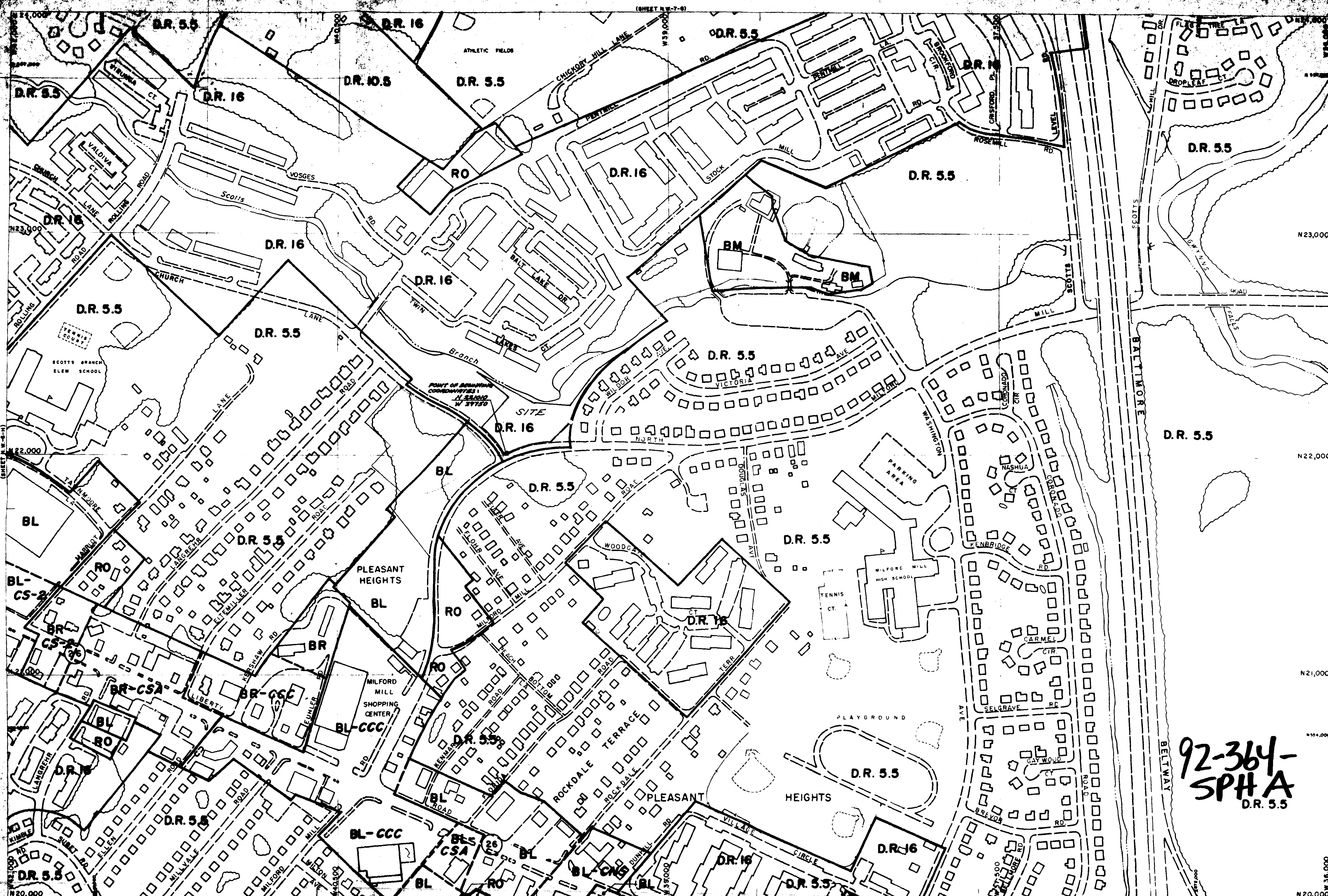
SCALE: 1"=50' DATE: AUGUST 14, 1991

PETITIONER'S
EXHIBIT 1

92-364-SPHA

Michael K. L...
THIS PLAT IS FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED FOR USE IN ESTAB-
LISHING PROPERTY LINES.

BPS/land technology inc.
Engineers & Surveyors
P.O. BOX 5614
Baltimore, Maryland
301-435-0800 21210



P - SE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986

Map No. 144-00, 145-00, 146-00, 147-00, 148-00, 149-00, 150-00

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BURNHAM-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ROCKDALE
PLEASANT
HEIGHTS
MIDVALE

SHEET
N. W.
6-G

92-364-
SPH A
D.R. 5.5

379